

Meeting of 2000-12-12 Regular Meeting

MINUTES  
REGULAR MEETING  
LAWTON CITY COUNCIL  
DECEMBER 12, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

Mayor Cecil E. Powell,                      Also Present:  
Presiding                      Bill Baker, City Manager  
   John Vincent, City Attorney  
   Brenda Smith, City Clerk  
   LTC Anthony Puckett, Fort Sill Liaison

The meeting was called to order at 6:20 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT:    G. Wayne Smith, Ward One  
                 James Hanna, Ward Two  
                 Glenn Devine, Ward Three  
                 John Purcell, Ward Four  
                 Robert Shanklin, Ward Five  
                 Barbara Moeller, Ward Six  
                 Stanley Haywood, Ward Seven  
                 Michael Baxter, Ward Eight

ABSENT:    None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETINGS OF NOVEMBER 28 AND DECEMBER 5, 2000.

MOVED by Smith, SECOND by Baxter, to approve the minutes. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION: None.

UNFINISHED BUSINESS:

1.    Consider approving the record plat for Pebble Creek Addition, Part 2C, and accepting the improvements, maintenance bonds, and easements outside the platted area. Exhibits: Plat Map; Memorandum from Associate Civil Engineer.

Bob Bigham, City Planner, said the development is located one-half mile east of SE 45th and Lee Blvd. and contains 19 single-family lots on approximately five acres. This was tabled at the December 5 Council meeting due to concerns about erosion control. Code Administration inspected it again and found the erosion control in place so the erosion control bond has been deleted from this action. Staff recommendation is to approve the record plat, accepting the improvements, maintenance bonds and easements outside the platted area.

Mayor Powell said he personally thought we made a tragic mistake when we did this the other night. He said he inspected the property, the addition is very level, and any erosion that might take place would be about half a wheel barrow full and that would be the extent of it; there is no erosion out there period, whatsoever, zero. Mayor Powell said they had done everything they had to as far as complying, backfilling behind the curbs and planting the grasses, and there is just no erosion whatsoever.

MOVED by Purcell, SECOND by Moeller, to approve the record plat of Pebble Creek Addition, Part 2C, accept the improvements, maintenance bonds and easements outside the platted area.

Devine asked if the erosion control bond was \$300. Purcell said it was \$375 and if there had been an erosion control problem, that would not have touched the issue. Devine asked if the City is asking the developers to put up

these bonds, or is this the City's money that is put up. Bigham said the subdivision regulations allow for certain items to be put up under a bond for Council approval of a record plat, and erosion control is one of those things, which are referred to as minor, incomplete improvements. Bigham said it is 150% of the estimated cost of the improvement, and the consulting engineer for the developer comes up with that estimate, which is approved by Code Administration, and the developer usually puts up a cash escrow agreement for that amount.

Mayor Powell said the figure used is a percentage of the total amount, and all that could have been affected was probably five to six people. Devine said they put up \$6,695 for water and sewer and \$9,000 for streets and drainage. Bigham said those are the maintenance bonds; this is 15% of the cost of the improvement for a two-year period to cover workmanship, deficiencies in installation and it is separate from the minor deficiency bond. Devine asked if that amount should be increased because if it was \$375, that will not even get one truck out there with a wheel barrow to move one load of dirt back up the hill, and the money will be returned to the developer anyway. Bigham said yes, after 90 days if the improvement has been completed, the money is released back to the developer. Devine said he understood the Mayor saying there was not much erosion out there, but as an example at the new Milo Gordon building, which is a beautiful new place, but there was a big rain and the houses behind it were flooded with red clay and mud. Devine asked how much the erosion control amount would have been in that case. Bigham said the building permits are separate from the subdivision regulations, and \$375 was a minor amount but after the inspection was done, there was a minor amount of grassing needed; the five acres was basically covered with grass and a five-foot section on each side of the road was all that was needed as far as backfill.

Purcell said Council is being asked to accept the record plat, and it is not fair to ask the developer to wait until the erosion control and grassing have taken hold, and if there is no rain, it is usually not a problem. He said the problem is when they have not planted the grass and done the erosion control, and there is a hard rain which causes a major expense to someone to remove all the dirt that washes down. Purcell said in one case, someone is going to have to build it back up and dredge out an easement where water cannot flow, and \$375 or \$3,000 probably would not do it, so there needs to be enough money to cover it. Bigham said they calculate it at \$200 per acre to plant grass. Purcell said the problem is not just planting the grass, and the money would probably cover that, but the problem is all of the damage that happens when there is no erosion control and things wash out, then the City or developer must pay for restoration, and that was why he brought up the issue; before record plats are accepted, Council should be sure erosion control is in place or have a sufficient amount or bond to allow someone to fix a problem.

Mayor Powell said he was simply referencing Pebble Creek as he made this statement because that was the issue, and after 14 inches of rain, they still had zero erosion. He said we set these people back and he did not have quite as much body left after last night for 35 minutes so we should be careful in what we do and ask staff these various questions.

VOTE ON MOTION: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None.  
MOTION CARRIED.

#### BUSINESS ITEMS:

2. Consider alternatives regarding the status of the Section 108 loan application to the Department of Housing and Urban Development (HUD) for the renovation of the former Dunbar School and take appropriate action.  
Exhibits: Letter from USA, Inc.

Gary Jackson, Assistant City Manager, said we are working under an extension from HUD on the Section 108 loan for Dunbar School, which expires December 30. The \$445,000 loan would be repaid over a 20 year period at approximately \$50,000 per year. He said the loan was applied for in 1998, along with an EDI grant of \$730,000; the total combined amount of the loan and grant was \$1,174,000; however, the EDI grant was not approved so we were left with the \$445,000 Section 108 loan.

Jackson said the City has been struggling to comply with the requirements since three conditions were placed on the 108 loan. Collateral is required and the building was identified as the primary collateral, with the after-construction appraised value. The building is owned by USA, Inc. It is not a City facility, it was conveyed by the School District in 1995 to USA, Inc. The additional security requirement was hoped to have been satisfied by the \$50,000 annual payment from CDBG, but since those funds could be reduced by the federal government or by the elimination of HUD, that was not acceptable since a lender must actually issue the notes. It was hoped that the additional security of an intercept agreement on the letter of credit that is pledged annually from HUD to the City would be adequate. When the City submits its annual consolidated plan to HUD, a letter of credit is received saying we will get \$1.5 million in CDBG grant funds per year. If there is a default on the loan, then theoretically the lender could step in and receive the balance of that letter of credit to satisfy the difference in the value of the property, which is privately owned, if there is a default. Jackson said confirmation has not been received that the letter of credit would satisfy the additional security concern.

Jackson said the \$445,000 originally estimated was only a portion of the roughly \$1.1 million loan applied for, so there are serious questions as to whether the \$445,000 would do an adequate job on a 25,000 square foot building that we have good reason to think has asbestos inside, and probably lead based paint; architect fees would have to be included in those costs and it is doubtful that the \$445,000 would be enough. Those were also 1997 and 1998 figures and we are now approaching 2001.

Mayor Powell asked where the estimates were done. Jackson said they were done internally within the City and they were good estimates based on the knowledge at the time, but they were also combined with an overall package, the \$730,000 EDI grant and \$445,000 loan, but the grant was not approved.

Haywood said the loan should have been for \$730,000 and the grant should have been for \$445,000, then that would have been the collateral, but it was not done properly and that is where you need a consultant to tell you those things. Mayor Powell asked if a consultant was hired on this from New Jersey. Haywood said that was for the EDI but the first time this was done in 1997, they applied for it and received the Section 108 loan in December 1998, but it should have been reversed and they did not know that; the EDI should have been for \$445,000.

Jackson said the overall project was conceptualized as costing roughly \$1.2 million; it was not requested properly, as Haywood pointed out. He said at this point, the City needs to notify HUD of its intentions, and another extension could be requested from HUD but there are serious doubts about the \$445,000 loan being adequate to renovate the entire building so it would not make any sense to ask for an extension. Jackson said HUD representatives in Washington were asked if it was feasible to increase the amount of the existing loan application, and they did not recommend that and preferred that the existing 108 loan application be withdrawn and then reapply for the amount actually needed.

Jackson said another option is a concept where the City could take possession of the building, convert it into a recreation center, and work out a lease with USA, Inc. for the space they would need to conduct their neighborhood community facilities programs, and the City could use the remainder for recreation needs, which would free up space in the Owens Multi-Purpose Center. Staff has had discussions with USA, Inc. on that concept, and there is still a legal hurdle to overcome. There is still the collateral issue; if the City is going to be the owner of the building, we must have HUD and the lender concur, and now we have a primary collateral issue, which was mostly previously satisfied by the private building, which would then be a public building, but we cannot, constitutionally or statutorily, put up that building as collateral. Public funds, land or facilities cannot be put up as collateral without a vote of the people. Vincent agreed. Jackson said there would be hurdles to get over for the City to take possession of the building; HUD would have to concur that the letter of credit would satisfy the \$50,000 per year, or whatever amount would be committed annually out of the CDBG program, and an answer was not received on whether the intercept agreement on the letter of credit would satisfy all of the collateral requirements. If HUD and the lender do not agree to do that, then the concept of the City taking over ownership would be a problem. USA's proposal contains a reversion clause so if the City did not accomplish all of the goals and use it for the purposes they would have deeded it to the City for, then it would revert back to their ownership.

Jackson said the City could ask USA, Inc. to provide an updated plan of action on the building as another possible alternative. CDBG Contingency funds could be considered possibly as a grant to USA, Inc. for a licensed architect, which we do not have on staff, to look at the facility with USA and City staff and say these are the types of uses we want out of this building, not do detailed construction plans, but give a basic cost estimate on what it would take to renovate the facility. Approximately \$10,000 to \$15,000 could be allocated from CDBG Contingency as a grant, if USA were to request it and Council were to consider it, for an updated cost estimate. Jackson said once the dollar amount is known, there will still be legal hurdles and the need for answers as to whether the additional security can be solved by that letter of credit.

Jackson said HUD needs to be given an answer as to the City's intent. The options are to leave the application as it is and request another time extension but that does not accomplish a great deal. The second option would be to withdraw the 108 application and notify HUD that we intend to file a revised application at a later date; and the third alternative would be to just withdraw the application. He said a part of the second alternative could make sense if USA, Inc. was willing to ask for a CDBG grant to identify a cost estimate, and we could notify HUD that the existing application does not appear to work and we really cannot amend it but we are studying the issue and want to do the best for the community and come back with a better cost estimate.

Mayor Powell asked if we were reasonably certain the funds were in place for a person to be hired to work with City staff and USA to determine a cost figure. Jackson said the grant would be similar to the one awarded a year and a half ago on the roof for Dunbar, some \$78,000, and it would be the same type of grant that the Council could consider.

Purcell said five years ago the building was bought from the School Board for \$1, or given to them, and USA was going to take care of everything and raise money, which is a hard thing to do. He said we need to know how much has been spent so far, whether it was City or CDBG funds, on this project because we have put money into Dunbar over and over again. Purcell said at one time, a new facility could have been built cheaper and better than doing

this. He said he could not support putting any more taxpayers' dollars into this building and we are never going to get where we want to go. Purcell said the City could support loans but needed to stop putting local taxpayers' dollars into the building. He said he supported withdrawing the application and turning it over to USA, Inc. for them to decide what they want to do then they can let us know and we can take another look at it after that. Purcell said he made the comment the last time funding was approved that it would be the last time he would support it.

Baxter said he agreed with Purcell but that he said to support the loan and when you do that, you are giving taxpayer CDBG money by paying it back with \$50,000 per year over a 20 year period. He said even supporting the loan would be spending taxpayers' dollars.

Haywood said when they went to Boston they saw buildings built in 1723, the first church that was built; they ate in the first restaurant ever built in Boston and they went on the USS Constitution. He said they tore down downtown Lawton to put in the mall, and all of those things are history that we let go. Haywood said Dunbar was called Vernon and was moved from Second and Gore to its present site, and that building was torn down and Dunbar was built; Dunbar is a solid building sitting on very good clay. He said the 108 loan was not done properly in the first place and those people have suffered because of that. Haywood said he was not blaming the staff because they did not know, they did the best they knew at that particular time. He said if you know the whole history, the Multi-Purpose Center never should have been built that small and we needed a larger gymnasium, you have a park where kids can go and have activities and there are many things you can do with that particular building. Haywood said if it were not for this particular area, the money would not be there in the first place, that is the target area, along with Wards 5, 3 and 2, and if it were not for those areas, the money would not be coming in at all. He said Ward 4 does not receive it, and it is not coming from Lawton, it is federal money, it is free money coming to the City of Lawton. Haywood said you have to see the whole picture.

Purcell said USA, Inc. owns the building and they can apply for a loan and use their building as collateral and he had no problem using CDBG money for that. He said it has been a year and a half and we are just now getting to having an architect and the roof was done before. Haywood said the staff did the best they could but you have to have an expert to tell you the costs. Haywood said Devine lived in that area and would have attended Dunbar if it would have been integrated at that time, instead of Will Rogers, and it would have been a different circumstance. Haywood said he was not saying because he attended Dunbar, or because Clarence Wilson attended Dunbar, but Dunbar has a lot of history and if you tear down that building, the people in that community will really be upset. He said their plan is to move the Owens Multi-Purpose Center to Dunbar.

Purcell said he positively would not support the City taking over that building. He said he would support giving it back to them and applying for a loan, but not putting more City funds into that building.

Baker said HUD needs a response and the City is not in a position to accept the loan because it would not build this facility, although it might do part of it. He suggested rejecting the current loan and working with CDBG to identify funds to work with USA, Inc. to get at least a preliminary design and cost figure. Baker said he felt very uncomfortable with the costs because he understood they did not come from an architect or engineer so preliminary design and costs are needed, and then apply for the right amount and work it out, but we are not in a position to accept the loan at this time.

MOVED by Devine, SECOND by Baxter, to accept option number three, withdraw the application and take no further action.

SUBSTITUTE MOTION by Shanklin, SECOND by Smith, to withdraw the application and direct USA to come back with a program so they can estimate and know exactly how much funds are going to be expended and where they are going to come from.

Shanklin said the money is out there, not from the general operating budget, so his motion was not to just kill it 100% but withdraw the application and let USA come with another program.

Devine said that was his motion but he got shut off with the second being made before he finished talking. He said he did not want to see it thrown away, but wanted to see it withdrawn and for USA to come back with a better program and more detail. Devine said he would withdraw his motion. Mayor Powell asked what Devine's motion was and Devine said he would make a motion to withdraw the application and take no further action other than turning it back to USA and let them see if they can come back with a better program and funding.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Moeller, Baxter, Smith, Devine, Purcell. NAY: Haywood, Hanna. SUBSTITUTE MOTION CARRIED.

Jackson asked if the motion included an intention for Council to entertain up to \$15,000 in CDBG Contingency for this and Shanklin said yes, it was in that option.

3. Consider canceling contract for oil, grease and lubricants with Equilon Enterprises. Exhibits: Contract.

MOVED by Shanklin, SECOND by Smith, to cancel the contract and take necessary legal action.

Baker said it was discovered that a contract vendor had been overcharging the City for a period of time; the invoices and requisitions were audited. This will terminate the contract and authorize the City Attorney to get back the money that has been overpaid.

Mayor Powell said he hoped this firm would be taken off the bidding list. Purcell said they had talked about that before and decided to take this into consideration the next time the firm bids. Shanklin said he doubted they would be back. Baker said the next item is to request authority to spot bid these products due to drastic price fluctuations, as has been the case with fuel.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None.  
MOTION CARRIED.

4. Consider an ordinance amending Chapter 10, Article 1, Section 10-1-101(C) relating to General Bidding Requirements, adding lubricants and hydraulic fluids to the list of budgeted items which may be procured through competitive bids on the basis of a single day's delivery, and declaring an emergency. Exhibits: Ordinance 00-47.

MOVED by Smith, SECOND by Devine, to approve Ordinance 00-47, waive reading of the ordinance, read the title only, and declaring an emergency.

(Title read by Clerk) Ordinance 00-47

An ordinance amending Chapter 10, Section 10-1-101(C) relating to general bidding requirements; adding lubricants and hydraulic fluid to the items that may be purchased on the basis of a single day's delivery; and declaring an emergency.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None.  
MOTION CARRIED.

5. Consider providing direction regarding upgrading of the gasoline fueling system at Robinson's Landing and authorizing staff to advertise for bids, if desired. Exhibits: None.

Lynn Struthers, Public Works Department, said the fuel system at Robinson's Landing was shut down because it does not meet Corporation Commission requirements. Replacement of the fuel lines was to cost \$12,800, the fuel tank also needed to be replaced, and it was felt that \$25,000 would be adequate for the project, and that funding was available from the Lakes Division underground storage tank fund, which is a Fund 35 account. An engineer was hired to design the project. On October 3, the Water Authority agreed to cut the rent at the concession to \$175 per month (one-half of the usual cost) until the fueling system was operational. The engineering firm has completed the design and recommends replacing the fuel dispensers, electrical system, fuel lines and storage tank, as well as other items, and the current estimate for the work is \$65,000. Sufficient funds are not available.

Struthers said he briefed the Lake & Land Commission on December 6 on the project and their recommendation was to find the funds for the project. He said the options are to remove the system entirely and renegotiate the lease without providing fuel at that location, or identify funds and authorize staff to advertise for bids, or authorize staff to advertise for bids and after the price is determined, then see if the funds can be found.

Baxter asked if the price went from \$25,000 to \$65,000 and who came up with the \$25,000 figure. Struthers said that was done in-house, an estimate was received from a contractor to replace the fuel lines and tank, but staff does not have the expertise to design such facilities and are not familiar with the new OCC regulations. He said a consulting engineer was hired and he advised that the fuel dispensers should also be replaced because they could not be modified at a reasonable cost to meet the new requirements that came out on July 15, and a new electrical system was necessary because the current system did not meet the code, a remote shut off valve was also a new OCC requirement so the expertise available through this consultant identified a lot of items that staff was not aware of as being requirements, and that took the price from \$25,000 to \$65,000.

Purcell said he received a call requesting that a fueling system be available to serve the campers and residents of the area. He said his response was that he was not sure the City needed to be providing this but a decision is needed and the City will never get its money back on this cost because the lease for the store was \$300, or \$350 with the fuel system. Purcell said he was not in support of doing the project with that little of a return on the investment.

Devine said the store lease was bid without fuel tanks for \$300 per month, or \$350 per month with fuel tanks, and he suggested reverting back to the original bid packet and eliminate the fuel system, going back to \$300 per month. He said there is a facility on the opposite end of the lake which is not totally out of reach for the campers or the residents. Devine said to invest \$65,000, plus the fee for the consultant to tell us how to build it, it would be

better to go back to \$300 per month. Vincent said he would have to look at the lease to see if that was possible.

Mayor Powell asked the size of the tank and Struthers said 6,000 gallons. Mayor Powell asked how many products there would be and Struthers said one. Mayor Powell asked if it would be above or below ground and Struthers said above ground. Mayor Powell asked the number of feet of line and Struthers said 150 to 200 feet and there are pumps in front of the store and at the shoreline for boats. Mayor Powell asked where the price came from on the above ground tank and Struthers said the consulting engineer, Zia Inc. of Oklahoma City, included that in the price. Baxter asked if part of the \$25,000 was used to pay Zia and Struthers said he did not believe it came from that source.

Mayor Powell asked that the item be tabled so he could provide information. He said he just went through this same thing at his store and he did not spend this kind of money.

MOVED by Baxter, SECOND by Haywood, to table this item. AYE: Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

6. Consider adopting an ordinance amending Section 17-189, Lawton City Code, 1995, providing for the time an appeal on a personnel action must be filed and providing for an effective date. Exhibits: Ordinance No. 00-48.

Vincent said in a recent employee appeal to the Personnel Board it was determined that the Code provide for ten working days to file an appeal but the Charter provides for ten days, so the Code should be amended to be brought in line with the Charter.

MOVED by Purcell, SECOND by Smith, to approve Ordinance 00-48, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance 00-48

An ordinance relating to the Personnel Board, amending Section 17-189, Chapter 17, Lawton City Code, 1995, providing for the time an appeal on a personnel action must be filed and providing for an effective date.

VOTE ON MOTION: AYE: Smith, Hanna, Devine, Purcell, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

7. Consider approving a contract amendment with Robert B. Hendrick and Sons Co., Inc. for professional engineering services for the design of Southeast Flower Mound Road (Lee to Gore). Exhibits: Amendment to Agreement; Letter.

Jerry Ihler, Public Works Director, said a contract was awarded in July to Hendrick & Sons to design two miles of Flower Mound Road from Gore to Rogers Lane in the amount of \$270,000. In November, Council authorized an additional \$1.3 million to be set aside for the design and construction of Flower Mound Road from Gore south to Lee. This item is to amend the contract with Hendrick in the amount of \$104,000 to design the additional mile south to Lee. The original contract was for \$270,000, and there have been other contracts recently in the amounts of \$135,000 to \$140,000 per mile, so it is hoped by incorporating this into one contract, with ODOT, that there will be a cost savings. He said the amount of \$104,000 to design the third mile is with the understanding that ODOT can bid and award the project and it can be designed and bid as one construction project. ODOT cannot commit to that at this time, and if it has to be bid as two separate projects, an item will be returned to approve an additional amendment for additional funds because the engineer would have to go through two bid processes and two plan in-hand reviews and there would be a lot of duplication of effort required for two projects. The consultant has provided a letter that if it is done as two projects, it would be an additional amount of \$8,500. Ihler recommended approval of amending this contract with Hendrick to include the third mile.

Baxter asked if the \$104,000 comes out of the \$1.3 million. Ihler said yes.

MOVED by Smith, SECOND by Baxter, to approve the contract amendment with Robert B. Hendrick and Sons in the amount of \$104,000. AYE: Hanna, Devine, Purcell, Moeller, Haywood, Baxter, Smith. NAY: None. ABSTAIN: Shanklin. MOTION CARRIED.

CONSENT AGENDA:

8. Consider submitting a grant application to the McMahon Foundation to improve and increase the book collection of the Lawton Public Library and authorize the execution of the grant application. Exhibits: Letter from Library Board Chairman; Letter from Friends of the Library Chairman; Proposed Letter to McMahon Foundation. Action: Authorize a letter to McMahon Foundation requesting funding in the amount of \$100,000 to improve and increase the book collection of the Lawton Public Library.

9. Consider approval of the use of Park Fee Funds for the renovation of the four ball fields located in James

Henderson Park. Exhibits: Park Photos; Location and Site Maps. Action: Approve use of Park Fee Funds (\$5,000.00) for renovation of four ball fields located in James Henderson Park.

10. Consider entering into a Contract of Sale with Dr. Dan Woesner to purchase a logo for the Centennial and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Contract of Sale; Copy of Logo. THIS ITEM WAS STRICKEN FROM THE AGENDA AND WAS NOT CONSIDERED.

11. Consider landfill service agreement with Comanche County. Exhibits: None. (See Water Authority) Action: Approval. (allows free dumping of debris from County right of ways)

12. Consider approving the Amended Lease Agreement between the City of Lawton and Comanche County exchanging treated water for the Coliseum and Comanche County Health Department for lease of the ball field at 17th and G. Exhibits: None. (See Water Authority) Action: Approval.

13. Consider authorizing the Mayor to accept a quit claim deed for a piece of property containing approximately 4.5 acres in Section 2, Township One North, Range Twelve West which has been donated by Thomas and Ruth Strickland, Sam and Elizabeth Joyner, and Ernest and Jane Godlove. Exhibits: None. (Deed on file in City Clerk's Office) Action: Approval.

14. Consider executing an agreement for professional services with Dan Wigington for the appraisal of six (6) parcels of property needed for the expansion and upgrade of the City of Lawton Water Treatment Plant in Medicine Park, Oklahoma. Exhibits: None. (Agreement on file) Action: Approval.

15. Consider approving a Release of Conditional Lien on residential property belonging to John T. and Cleta H. Wilburn of 4503 SW Beta in Lawton, Oklahoma, and authorize execution of the Release of Conditional Lien. Exhibits: None. (Lien and Release on file) Action: Approval.

16. Consider approving federal and state applications for universal service to make the Library eligible for discounted telecommunication rates and authorize the Mayor to sign any necessary forms. Exhibits: None. Action: Approval.

17. Consider approving the construction plat for Boyles Landing, Section 3, subject to conditions. Exhibits: Plat Map. Action: Approval, subject to the following conditions: 1) Approval of ODEQ; 2) Vacate the existing easement which bisects the proposed plat by District Court or adjust the lot lines and illustrate the location of the easement on the record plat.

ITEMS 18 AND 19 WERE CONSIDERED SEPARATELY AS SHOWN BELOW.

20. Consider approving the following contract extension: A) Dump Truck Hauling with Lawton Transit Mix, Inc. Exhibits: None. Action: Approval.

21. Consider rejecting bids for Ahlshlager Park Concession Operation. Exhibits: Bid Tabulation; Department Recommendation. Action: Reject bids.

22. Consider awarding contract for Steel Storage Shelving. Exhibits: Department Recommendation; Bid Abstract. Action: Award contract to Grainger Industrial, Inc. (see further action below)

23. Consider awarding contract for Degreaser. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Suncoast Research Labs, Inc.

24. Consider awarding contract for Data/Telemetry Radios. Exhibits: Department Recommendation; Bid Abstract. Action: Award contract to Southwest Communications.

25. Consider approval of payroll for the periods of December 11 through 24, 2000, and December 25, 2000, through January 7, 2001. Exhibits: None.

Mayor Powell asked that Item 10 be stricken from the agenda and that Item 19 be considered separately. Devine asked that Item 18 be considered separately.

MOVED by Smith, SECOND by Baxter, to approve the Consent Agenda items as recommended, striking Item 10, and pulling Items 18 and 19. AYE: Devine, Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

18. Consider approving the construction plans for a waterline to serve Braum's Ice Cream Store at 4230 SE Lee Boulevard. Exhibits: Location Map.

Devine asked if this was going to be a problem like there was with the Felton Dean building. Bigham said this is completely different; it is an off-site infrastructure improvement where the owner or developer is planning to install the water line and follow standards, and once it is complete, it will be dedicated, along with the easements, to the City. Bigham said all of the expense will be paid by the developer/owner.

MOVED by Devine, SECOND by Smith, to approve the construction plans.

Purcell asked if there would be a problem later on with the fire hydrant and if the developer knows he will have to install it and the proper location. Bigham said he believed he did. Bigham said the project is also contingent upon obtaining a driveway permit from ODOT. Mayor Powell said they would not put the water line in if they do not get the driveway permit.

VOTE ON MOTION: AYE: Purcell, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

19. Consider awarding a construction contract to Reynosa Construction, Inc. for the McMahon Memorial Auditorium Lobby Renovation Project #2000-34. Exhibits: Location Map.

Vincent said information was received that there might be a protest of this award, the bid packet was reviewed and four areas should be brought to your attention. The items are minor, and pursuant to paragraph one, page seven of the specifications, the Council has the authority to waive the minor informalities. The numbers and words did not match on page 16 of the bid package on the base bid, however, the correction was made appropriately by the bidder, therefore, it is not a problem. On alternate one, the brand and model of the air conditioner was supposed to be listed but they did specify the warranty so that is not a problem because the warranty met specifications and the brand and model was not a determining factor in awarding the bid. There was a typo error on page 19, which is immaterial. The notary was a Texas notary but they forgot to correct the top of the form and that is not a big deal. The major concern was the bid bond which was supposed to be 5% and they used a HUD form for the bid bond, which has some exclusionary language in it, and if the bid was greater than \$500,000 it would be a problem but because it is under that amount it is just a minor irregularity. Vincent recommended award of the contract and waive the minor informalities.

MOVED by Devine, SECOND by Hanna, to award the construction contract to Reynosa Construction, Inc. for the McMahon Memorial Auditorium Lobby Renovation Project #2000-34 in the amount of \$402,200.00 and waive the minor informalities, contingent upon receipt of funds from McMahon Foundation.

Purcell asked if the protestor was the second low bidder and Vincent said yes. Vincent said they filed an open records request and got a copy of the bid package, but to be ready for tonight, he went ahead and did a review. Purcell asked what they protested. Vincent said they just indicated they were going to protest, but they did not file a protest. Mayor Powell said no one is protesting this at all.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood said he went to Boston and thoroughly enjoyed himself but would rather live here.

Shanklin said he meant to pull Item 22 but did not do it. He said there was a sentence saying they did not recommend awarding the optional portion of the contract which is for 18 gauge shelving, versus a 20 gauge shelving that is recommended for award. Shanklin asked why you would want 18 gauge instead of 20 gauge. Baxter said 18 is thicker than 20 and Shanklin agreed.

MOVED by Shanklin, SECOND by Haywood, to reconsider Item 22. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

22. Consider awarding contract for Steel Storage Shelving. Exhibits: Department Recommendation; Bid Abstract. Recommendation: Award contract to Grainger Industrial, Inc.

Shanklin asked why they did not want the 18 gauge shelving. Ihler said this was going to be a requirements type contract and other departments were interested in using a thicker gauge, sturdier shelving, and it was decided to bid the 18 gauge as an alternate. Ihler said in looking at the cost difference between the 18 and 20 gauge, it was decided to stay with the 20 gauge. Shanklin asked the cost difference. Ihler said he would have to add it up. Shanklin said he was worried we were going to accept the bid for 20 gauge instead of 18 gauge and the 18 gauge guy was lower. Ihler said no, the 18 gauge was actually about \$5,000 to \$6,000 higher. Shanklin asked if they were that close on that big project as far as money. Ihler said they were that close on money and felt that money could be used elsewhere.



MOVED by Shanklin, SECOND by Smith, to approve bid award as recommended. AYE: Haywood, Baxter, Smith, Hanna, Devine, Purcell, Shanklin, Moeller. NAY: None. MOTION CARRIED.

Smith wished everyone a Merry Christmas and Happy New Year, stay safe in driving. He said they were making good progress on the dog ordinance issue, Fort Sill has become involved, Col. Kline, the Garrison Commander, and Maj. Gaines, Chief Veterinarian, attended the meeting Monday which focused on the need for education, and Fort Sill will help in any way possible to do that.

Baker said he also attended the NLC Conference in Boston, had a good time, and appreciated the time he got to spend with the Council. He said it was well worth the time and the trip, and it is good to be back because you appreciate Lawton when you return.

Hanna wished everyone a Merry Christmas and said he also enjoyed the NLC Conference.

Purcell said two companies would be contacting officials to bring information, and hold a public hearing, about establishing a golf course here, sometime in January.

Moeller said she also went to Boston and it was a great trip, and most cities have similar problems and some have problems worse than those in Lawton. She said she inquired about recycling plastic grocery bags and had already been given a lead on it so she hoped it would turn into something useful.

Baxter wished everyone Merry Christmas and Happy New Year.

Mayor Powell invited everyone to look at the new maintenance building, and they needed the shelving very badly. He said it is a beautiful building that the taxpayers can be proud of. Mayor Powell wished everyone a Merry Christmas and a happy and safe New Year and to drive safe on the treacherous roads.

There being no further business to consider, the meeting adjourned at 7:30 p.m. upon motion, second and roll call vote.